

Helmlinger, Andrew

From: Helmlinger, Andrew
Sent: Thursday, July 24, 2014 10:04 AM
To: McFarland, Clif
Subject: Rancho LPG CA/FO, entered
Attachments: Rancho LPG CAFO.pdf

Clif,

I received this morning from our Regional Hearing Clerk the entered CA/FO for Rancho LPG. As you may recall from our phone conversation, I filed it about 12 days ago. As you also may gather, given the significant interest this will generate, we anticipate fielding press and legislative interests, and I would anticipate Rancho to have similar inquiries. Per the agreement, the period for payment is 30 days from today.

I am out of the office until Monday morning, but any phone calls should come through to me or at least to accessible voice mail. If it hasn't gone out by then, I will ensure that the letter we have discussed gets to you also (it would not have routed through the RJO's office). In the meantime, as always, if you have any questions or comments, please let me know, and I will respond as best I can.

J. Andrew Helmlinger
Attorney-Advisor
USEPA Region IX
415 972 3904

Helmlinger, Andrew

From: McFarland, Clif <cmcfarland@DowneyBrand.com>
Sent: Friday, June 27, 2014 11:16 AM
To: Helmlinger, Andrew
Subject: RE: Rancho

Sounds good. See you soon.

From: Helmlinger, Andrew [<mailto:Helmlinger.Andrew@epa.gov>]
Sent: Friday, June 27, 2014 11:02 AM
To: McFarland, Clif
Subject: RE: Rancho

Clif,

Here are the changes incorporated into a clean .pdf. It does not affect the pagination of the signature page, so I can incorporate that after our meeting in an hour. BTW – I did not have the opportunity to make the “guest list” at our security desk, so I’ll come down to meet you in the lobby about noon to help shepherd everyone inside.

Best,

J. Andrew Helmlinger

From: McFarland, Clif [<mailto:cmcfarland@DowneyBrand.com>]
Sent: Friday, June 27, 2014 10:50 AM
To: Helmlinger, Andrew
Subject: Rancho

Andrew, as we discussed. Please note that the introductory clause at the beginning of paragraph 59 is borrowed verbatim from a clause that appears at the very end of paragraph 61. –Clif

Clif McFarland
DOWNEYBRAND LLP
Office: 916 520-5477

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Helmlinger, Andrew

From: McFarland, Clif <cmcfarland@DowneyBrand.com>
Sent: Friday, June 27, 2014 9:36 AM
To: Helmlinger, Andrew
Subject: Rancho

Andrew, as I indicated in my voice mail, everything looks good on our end. Would you be able to give me a quick call on timing issues? My cell is: 916 606-8015. Thanks, Clif

Clif McFarland
DOWNEYBRAND LLP
Cell: 916 606-8015

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Helmlinger, Andrew

From: Helmlinger, Andrew
Sent: Wednesday, June 25, 2014 4:56 PM
To: McFarland, Clif
Subject: Rancho CA/FO -
Attachments: CAFO.v6.1.pdf

Clif,

Thank you for the call, and helping with the finish polish on this CA/FO. As we discussed, we expect this language to be final. Please provide a signature page tomorrow so that we have it in advance of the meeting on Friday.

J. Andrew Helmlinger
Attorney-Advisor, Office of Regional Counsel
U.S. Environmental Protection Agency Region IX
75 Hawthorne Street
San Francisco, CA 94105
o: (415) 972-3904
f: (415) 947-3570

Helmlinger, Andrew

From: McFarland, Clif <cmcfarland@DowneyBrand.com>
Sent: Tuesday, June 24, 2014 2:49 PM
To: Helmlinger, Andrew
Subject: Rancho--CA/FO
Attachments: CAFO v5 2 b.doc

Andrew, attached are our changes to the consent agreement. Let me know. We look forward to meeting with you on Friday. Let me know if you think it would be helpful for you and I to talk in advance of the meeting. Thanks, Clif

Clifton J. McFarland

DOWNEYBRAND

621 Capitol Mall, 18th Floor
Sacramento, CA 95814
916-444-1000 Main
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Helmlinger, Andrew

From: McFarland, Clif <cmcfarland@DowneyBrand.com>
Sent: Tuesday, June 17, 2014 10:42 AM
To: Helmlinger, Andrew
Subject: RE: Rancho - status?

Andrew, thanks for the additional information on the question.

On my end, after trying very hard to re-arrange his schedule, Tony Puckett is not going to be able to get to San Francisco tomorrow. Because Tony is Mary Wesling's principal point of contact at Rancho and because building toward the future is an important aspect to the meeting, our sense is that we should find a date when both Mary and Tony can attend. We are proposing June 26th.

Please give a call so that we can discuss. Thanks, Clif

From: Helmlinger, Andrew [<mailto:Helmlinger.Andrew@epa.gov>]
Sent: Tuesday, June 17, 2014 9:51 AM
To: McFarland, Clif
Subject: RE: Rancho - status?

Clif,

Let's plan on it, but the question is still out to my clients. On your other question to me that I answered in the voice mail yesterday, I would add that all responses are in from my several directions on forwarding the question, and the responses are unanimous and consistent with our previous discussions.

Best,

J. Andrew Helmlinger

From: McFarland, Clif [<mailto:cmcfarland@DowneyBrand.com>]
Sent: Monday, June 16, 2014 8:07 PM
To: Helmlinger, Andrew
Subject: RE: Rancho - status?

Andrew, can we aim for 1:00? --Clif

From: Helmlinger, Andrew [<mailto:Helmlinger.Andrew@epa.gov>]
Sent: Monday, June 16, 2014 10:42 AM
To: McFarland, Clif
Subject: RE: Rancho - status?

Clif,

It's looking good to have a meeting here (or by phone) on Wednesday, at least with Kay, likely with the Division Director, Enrique Manzanilla. Please let me know your status for the meeting, and for the CA/FO.

Best,

J. Andrew Helmlinger

From: McFarland, Clif [<mailto:cmcfarland@DowneyBrand.com>]
Sent: Friday, June 13, 2014 1:31 PM
To: Helmlinger, Andrew
Subject: RE: Rancho - status?

I don't have anything further to report regarding the CA/FO. However, I do have a strong interest in setting the meeting we have been talking about and a proposed date: Wednesday June 18. Can you let me know if that date will work on your end? I will continue to press on my end. --Clif

Clif McFarland
DOWNEY BRAND LLP
Office: 916 520-5477

From: Helmlinger, Andrew [<mailto:Helmlinger.Andrew@epa.gov>]
Sent: Thursday, June 12, 2014 1:53 PM
To: McFarland, Clif
Subject: RE: Rancho - status?

How about today?

Best,

J. Andrew Helmlinger

From: McFarland, Clif [<mailto:cmcfarland@DowneyBrand.com>]
Sent: Tuesday, June 10, 2014 9:53 AM
To: Helmlinger, Andrew
Subject: RE: Rancho - status?

Andrew--- I do not have any status to report just yet. I know that internal discussions are active. --Clif

From: Helmlinger, Andrew [<mailto:Helmlinger.Andrew@epa.gov>]
Sent: Monday, June 09, 2014 10:28 AM
To: McFarland, Clif
Subject: Rancho - status?

Clif,

I am following up to see if you have any status to provide on the Rancho CA/FO. As you can, would you let me know?

J. Andrew Helmlinger
Attorney-Advisor, Office of Regional Counsel
U.S. Environmental Protection Agency Region IX

75 Hawthorne Street
San Francisco, CA 94105
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f: (415) 947-3570

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To: Helmlinger, Andrew
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To: McFarland, Clif
Subject: Rancho - status?

Clif,

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Helmlinger, Andrew

From: McFarland, Clif <cmcfarland@DowneyBrand.com>
Sent: Thursday, May 29, 2014 2:38 PM
To: Helmlinger, Andrew
Subject: Rancho
Attachments: Show Cause conclusion.docx; CAFO v4.doc

Andrew, here is the markup we talked about. --Clif

Clifton J. McFarland

DOWNEY BRAND

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Helmlinger, Andrew

From: Helmlinger, Andrew
Sent: Tuesday, May 27, 2014 10:46 AM
To: McFarland, Clif
Subject: RE: Rancho status check

Clif,

Perhaps I was hoping for too much, but I wasn't expecting to see comments at this point that required additional drafting. If you have some modest revisions to discuss by phone, that may be the most expeditious way to get a draft executed. As I have explained, my client is very short on patience at this point, and the continued press and legislative inquiries are not assuaging the position. We discussed once that, after we had an agreement in principal, we may more leisurely finalize the CA/FO by June. June is practically here, and I believe that I have done about all that I can to provide time in this process and maintain any credibility. Whatever it takes to get a Rancho's executed CA/FO this week, I will give it my full attention. Obviously, I expect the same from Rancho. Please call me as you can to discuss.

Best,

J. Andrew Helmlinger

From: McFarland, Clif [<mailto:cmcfarland@DowneyBrand.com>]
Sent: Friday, May 23, 2014 9:11 AM
To: Helmlinger, Andrew
Subject: RE: Rancho status check

Andrew, thanks for your email. Client review is complete and I am drafting revised language pursuant to client instructions. As you would expect, the issues are narrowing. I will have something to you as quickly as I can. –Clif

Clifton J. McFarland

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Sacramento, CA 95814
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916-520-5477 Direct

From: Helmlinger, Andrew [<mailto:Helmlinger.Andrew@epa.gov>]
Sent: Thursday, May 22, 2014 3:46 PM
To: McFarland, Clif
Subject: Rancho status check

Clif,

I am checking in, as we discussed. We continue to have additional press and legislative queries on the topic. I am hopeful that we'll have some substance to discuss in very near future.

J. Andrew Helmlinger

Attorney-Advisor, Office of Regional Counsel
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Sent: Friday, May 23, 2014 9:11 AM
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Subject: RE: Rancho status check

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Clifton J. McFarland

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From: Helmlinger, Andrew [<mailto:Helmlinger.Andrew@epa.gov>]
Sent: Thursday, May 22, 2014 3:46 PM
To: McFarland, Clif
Subject: Rancho status check

Clif,

I am checking in, as we discussed. We continue to have additional press and legislative queries on the topic. I am hopeful that we'll have some substance to discuss in very near future.

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Helmlinger, Andrew

From: McFarland, Clif <cmcfarland@DowneyBrand.com>
Sent: Tuesday, May 06, 2014 10:55 AM
To: Helmlinger, Andrew
Subject: RE: Rancho

Sounds good. Talk to you then.

From: Helmlinger, Andrew [<mailto:Helmlinger.Andrew@epa.gov>]
Sent: Tuesday, May 06, 2014 10:03 AM
To: McFarland, Clif
Subject: RE: Rancho

Let's say 2 pm on Wednesday?

Best,

J. Andrew Helmlinger

From: McFarland, Clif [<mailto:cmcfarland@DowneyBrand.com>]
Sent: Tuesday, May 06, 2014 9:30 AM
To: Helmlinger, Andrew
Subject: Rancho

Andrew, received your voice mail message. I've been out of the office the last several days. Would it be possible to set a general time to talk on Wednesday? I'm good except for the middle of the day (10:30 to about 1:30). Thanks, Clif

Clifton J. McFarland

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Helmlinger, Andrew

From: McFarland, Clif <cmcfarland@DowneyBrand.com>
Sent: Wednesday, April 30, 2014 12:03 PM
To: Helmlinger, Andrew
Subject: Rancho
Attachments: Document4.docx

Andrew, it appears that our window for a meeting tomorrow has closed. We would suggest the morning of May 22. Please let me know if that date might work on your end.

In addition, following up on our earlier conversation on the CA/FO, we have attached proposed language for Paragraph 41, which is one of the paragraphs that you indicated that you needed to review further. I believe that the attached language is a clearer articulation of what Rancho is seeking in terms of finality. I apologize for any confusion created by the earlier language. Thanks, Clif

Clifton J. McFarland

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Helmlinger, Andrew

From: McFarland, Clif <cmcfarland@DowneyBrand.com>
Sent: Tuesday, April 22, 2014 3:56 PM
To: Helmlinger, Andrew
Subject: RE: Time tomorrow to discuss Rancho CA/FO?

That will work. Talk to you then.

From: Helmlinger, Andrew [<mailto:Helmlinger.Andrew@epa.gov>]
Sent: Tuesday, April 22, 2014 1:05 PM
To: McFarland, Clif
Subject: RE: Time tomorrow to discuss Rancho CA/FO?

Can we say 3 pm tomorrow? I will call you. Thanks, Clif.

Best,

J. Andrew Helmlinger

From: McFarland, Clif [<mailto:cmcfarland@DowneyBrand.com>]
Sent: Tuesday, April 22, 2014 1:00 PM
To: Helmlinger, Andrew
Subject: RE: Time tomorrow to discuss Rancho CA/FO?

Andrew, Wednesday will work. I free up around 2:30. Let me know if you want to schedule a specific time. Thanks, Clif

Clifton J. McFarland

DOWNEY BRAND

621 Capitol Mall, 18th Floor
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From: Helmlinger, Andrew [<mailto:Helmlinger.Andrew@epa.gov>]
Sent: Monday, April 21, 2014 2:46 PM
To: McFarland, Clif
Subject: Time tomorrow to discuss Rancho CA/FO?

Clif,

Would you have time tomorrow or Wednesday to speak about your edits on the Rancho CA/FO. I should be able to get to you a revised draft shortly thereafter, and perhaps we can put this to bed in the next two weeks.

J. Andrew Helmlinger
Attorney-Advisor, Office of Regional Counsel
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Helmlinger, Andrew

From: McFarland, Clif <cmcfarland@DowneyBrand.com>
Sent: Tuesday, April 22, 2014 1:00 PM
To: Helmlinger, Andrew
Subject: RE: Time tomorrow to discuss Rancho CA/FO?

Andrew, Wednesday will work. I free up around 2:30. Let me know if you want to schedule a specific time. Thanks, Clif

Clifton J. McFarland

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Helmlinger, Andrew

From: McFarland, Clif <cmcfarland@DowneyBrand.com>
Sent: Monday, April 14, 2014 8:48 AM
To: Helmlinger, Andrew
Subject: Rancho--Draft CA/FO
Attachments: RED - WEST-#1367166-v1-CAFO_-_Word_version and WEST-#1367166-v2-CAFO_-_Word_version.pdf; CAFO_-_Word_version.pdf

Andrew, attached are our draft comments on the draft CA/FO. The document to the left is the redlined version; the document to the right is the clean version. As we discussed last week, these comments have not been fully reviewed by my client and therefore the possibility exists that additional comments may be forthcoming. I am providing this over to you in good faith in an effort to maintain our dialogue. Please feel free to call with questions, comment, etc. I am happy to proceed in any appropriate manner, but think an initial phone call may be the best next step. Thanks, Clif

Clifton J. McFarland

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Helmlinger, Andrew

From: McFarland, Clif <cmcfarland@DowneyBrand.com>
Sent: Sunday, April 13, 2014 7:37 PM
To: Helmlinger, Andrew
Subject: RE: Draft Rancho CA/FO

Andrew--- I apologize for missing the Friday deadline I had agreed to. I have a redlined document to send over to you, but my client and I were unable to connect on Friday due to a conference call that ran over. I will have something to you on Monday morning. Given that we are in a position to send over actual language, the effort of creating another document with bracketed placeholders did not seem like the most efficient way to proceed. I will be in the office early on Monday morning if we should discuss. Thanks, Clif

From: Helmlinger, Andrew [<mailto:Helmlinger.Andrew@epa.gov>]
Sent: Monday, April 07, 2014 12:02 PM
To: McFarland, Clif
Subject: Draft Rancho CA/FO?

Clif,

I mean to check in on your draft of the Rancho CA/FO. Please let me know if there are questions that I can answer to expedite your turn-around.

J. Andrew Helmlinger
Attorney-Advisor, Office of Regional Counsel
U.S. Environmental Protection Agency Region IX
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o: (415) 972-3904
f: (415) 947-3570

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Helmlinger, Andrew

From: Helmlinger, Andrew
Sent: Thursday, April 10, 2014 1:32 PM
To: McFarland, Clif
Subject: RE: Draft Rancho CA/FO

Clif,

Thank you for the note. A couple weeks have now passed since we reached what I understood to be an agreement in principle. My client staff are frustrated by what objectively measures out to be very long delays at every stage of our discussions. I will be directed to move to file the complaint if EPA has not received a draft of the CA/FO by tomorrow evening. They also expect that, once received, the discussions will continue at a reasonable pace toward execution. Please call me if you have any questions about EPA's expectations.

Best,

J. Andrew Helmlinger

From: McFarland, Clif [<mailto:cmcfarland@DowneyBrand.com>]
Sent: Thursday, April 10, 2014 8:27 AM
To: Helmlinger, Andrew
Subject: RE: Draft Rancho CA/FO

Andrew, thanks for your email. The draft is in its internal review cycle. I'll check on an ETA. A question or two may bubble up, but I think we're good at the moment. –Clif

Clif McFarland
DOWNEYBRAND LLP
Office: 916 520-5477

From: Helmlinger, Andrew [<mailto:Helmlinger.Andrew@epa.gov>]
Sent: Monday, April 07, 2014 12:02 PM
To: McFarland, Clif
Subject: Draft Rancho CA/FO?

Clif,

I mean to check in on your draft of the Rancho CA/FO. Please let me know if there are questions that I can answer to expedite your turn-around.

J. Andrew Helmlinger
Attorney-Advisor, Office of Regional Counsel
U.S. Environmental Protection Agency Region IX
75 Hawthorne Street
San Francisco, CA 94105
o: (415) 972-3904
f: (415) 947-3570

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Helmlinger, Andrew

From: Helmlinger, Andrew
Sent: Wednesday, January 22, 2014 1:39 PM
To: McFarland, Clif
Cc: Wesling, Mary
Subject: Rancho LPG, Draft CA/FO
Attachments: Rancho LPG CAFO.pdf

Clif,

As we've discussed, EPA believes it is ready to bring the Rancho LPG matter toward closure. It is EPA's position that it has provided a suitable opportunity to exchange facts for consideration of the potential enforcement identified in the March 2013 "show cause" letter. To that end, I have included a draft Consent Agreement and Final Order for Rancho's consideration. The draft CA/FO incorporates EPA's consideration of the facts that we have discussed over the last several months, and it is my hope that Rancho will execute the CA/FO without further extended deliberation. As you will see, the CA/FO does not call for any injunctive relief, based on the improvements that Rancho LPG has implemented since EPA's 2010 inspection. Additional information provided by Rancho LPG was helpful in EPA's further consideration of the potential violations and the application of the CAA 112(r) penalty policy. At this point, the facts appear to be fairly resolved and straightforward, and if Rancho is not inclined to execute the draft CA/FO in substantially its current form, EPA is prepared to move forward with an administrative complaint within the next few weeks. As always, if you have questions about the draft CA/FO, please do not hesitate to contact me. I look forward to resolving this matter with you.

J. Andrew Helmlinger
Attorney-Advisor, Office of Regional Counsel
U.S. Environmental Protection Agency Region IX
75 Hawthorne Street
San Francisco, CA 94105
o: (415) 972-3904
f: (415) 947-3570

Helmlinger, Andrew

From: Helmlinger, Andrew
Sent: Tuesday, April 09, 2013 4:17 PM
To: McFarland, Clif
Cc: Wesling, Mary
Subject: RE: Rancho LPG Holdings, LLC--Information Request

Clif,

Following our discussion, I confirmed that EPA agrees to the 30 day extension for a response on the information requests. We look forward to reviewing Rancho LPG's response to the March 14 letter, and, in due time, the responses to the information requests.

Best,

J. Andrew Helmlinger

From: McFarland, Clif [<mailto:cmcfarland@DowneyBrand.com>]
Sent: Tuesday, April 09, 2013 4:13 PM
To: Helmlinger, Andrew
Subject: Rancho LPG Holdings, LLC--Information Request

Andrew, we represent Rancho LPG Holdings, LLC in connection with EPA's March 14, 2013 letter providing notification of potential enforcement action under section 112(e)(7) of the Clean Air Act. As we discussed yesterday on the phone, we are requesting a 30-day extension to respond to the two information requests referenced in the notification letter. It will require additional time for Rancho personnel to compile the information sought. As we also discussed, Rancho plans to provide a response to the March 14, 2013 letter by the date requested (April 15, 2013). This extension request is limited to the two information requests. Thank you for your consideration in this matter. Please call if you have questions or concerns, or wish to discuss our request. --Clif

Clif McFarland
DOWNEY BRAND LLP
621 Capitol Mall, 18th Floor
Sacramento, CA 95814
916/520-5477 Direct

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in error, please contact our IS Department at its Internet email address (is@downeybrand.com), or by telephone at (916)444-1000 x5325. Thank you.

Wesling, Mary

From: Ronald Conrow <Ronald.Conrow@plainsmidstream.com>
Sent: Wednesday, May 14, 2014 11:38 AM
To: Wesling, Mary
Subject: Re: need some info re: amount of \$\$ spent to come into compliance AND upgrade the facility

john,

FYI...should I give the dollar amount to Mary? As I recollect it is \$7.2 mm.

Ron

Sent from my iPhone

On May 14, 2014, at 11:16 AM, "Wesling, Mary" <Wesling.Mary@epa.gov<mailto:Wesling.Mary@epa.gov>> wrote:

Ron,

We are preparing the communication plan for settlement of the case. We would like to be able to put a \$ figure on the amount of money that the company has spent on "coming into compliance" and in upgrades to the facility since purchased. Is this something you can provide for me?

I tried to call and ask you this question, but the phone number I have for you is no longer connected.

Thanks,

Mary

Wesling, Mary

From: Ronald Conrow <Ronald.Conrow@plainsmidstream.com>
Sent: Friday, March 21, 2014 1:03 PM
To: Wesling, Mary
Subject: Submission of RMP to the EPA
Attachments: Random Lengths_EPA 03212014.pdf

Mary,

In the attached Random Lengths article in regards to supposed teleconference with Andrew Helmlinger and Janet Gunter and other activists, Noel Weiss states that "The RMP (risk management plan) apparently is not something it (the EPA) requires to be filed with them".

It is my understanding of regulation 40CFR68.150 that "*The owner or operator shall submit a single RMP that includes the information required by 68.155 through 68.185 for all covered processes. The RMP shall be submitted in the method and format to the central point specified by the EPA as of the date of submission*".

Under the authority of section 112(r) of the Clean Air Act, the Chemical Accident Prevention Provisions require facilities that produce, handle, process, distribute, or store certain chemicals to develop a Risk Management Program, prepare a Risk Management Plan (RMP), and submit the RMP to EPA. On March 13, 2009, EPA provided new software called RMP*eSubmit for facilities to use for online RMP reporting. EPA asks that all facilities use this new method to submit RMPs to improve data quality and to enable you to access your RMP 24 hours day, 7 days a week. Is this still correct?

Regards,

Ron Conrow

West District Manager

Plains LPG Services, LP

19430 Beech Avenue

Shafter, CA 93263

Office: 661-368-7917

Cell: 661-319-9978

ronald.conrow@plainsmidstream.com

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Community Announcements: Harbor Area

from p. 3

to apply. These are quality jobs that will expose youth to career opportunities and allow them to develop valuable skills.

The online application opens on April 1 at www.summerjobsLA.com. Please take note of the date and prepare your teens as the application will be open for a limited time. The selection process is based on lottery by regional area.

In the mean time, there are free workshops with mock interviews and resume building guidance at <http://hirelayouth.com/wc/wrc.html>.

Ending Homelessness: Mission Not Impossible

Learn about the high costs of chronic homelessness to society how homelessness is being addressed on local and national policy levels and solutions for the community, at 6 p.m. April 2, at the Grand Annex in San Pedro.

Michael S. Brophy, Marymount California University president, will moderate the discussion. Panelists include: Kerry Morrison, director of the Hollywood Property Owner's Alliance; Jeremy Sidall, chief development and communications officer for PATH, People Assisting the Homeless; and Tania Haylett, executive director of San Pedro's Harbor Interfaith Services.

A Q-and-A and networking will follow the panel discussion. The event is free.

Details: planning@centraisanpedro.org
Venue: Grand Annex
Location: 434 W. 6th St., San Pedro

Pulse of the Ports

The Port of Long Beach is hosting the Pulse of the Ports, a peak season forecast breakfast, from 7 to 10 a.m. April 2, at the Grand Ballroom in the Long Beach Convention Center.

Experts from throughout the supply chain will present the outlook from the view of an economist, importer, exporter, ocean carrier, trucking company executive and more.

Details: 562-283-7755 www.polb.com/pulse.asp
Venue: Long Beach Convention Center
Location: 300 E. Ocean Blvd., Long Beach

Metro Wants Your Feedback

The Metropolitan Transportation Authority, Metro, is inviting the public to take part in hearing on the toll lanes on the 110 and 10 freeways.

Congress passed legislation under the Bush administration allowing for the monetizing of the roadways through tolling projects, and the 110 and 10 "express lanes" project was the first such rollout of toll lanes in Los Angeles County. The "pilot" project was to run a minimum of one year, after which time, Metro would assess how the pilot project has gone, and whether to seek state authority to keep the tolling project operating.

These public hearing, therefore, represent an important opportunity for the public to weigh in on the question of tolling itself, and on the impact and implementation of pilot project. Free parking is available on site at each location.

March 22, 10 a.m. to 12 p.m.
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March 27, 6 to 8 p.m.
Civic Center Library
3301 Torrance Blvd.
Torrance, CA 90503
Served by Torrance Transit Lines 1, 2 and 6
April 3, 6 to 8 p.m.
Inglewood City Hall
Community Room
1 W. Manchester Blvd.
Inglewood, CA 90301
Served by Metro Bus Lines 40, 111, 115, 212, 215 and 74

Submit comments by April 7 to: Metro Congestion Reduction Demonstration One Gateway Plaza
VS 99-25-1, Los Angeles, CA 90012

Email: expresslanes@metro.net

Please enter "It's About Time" in the subject line.

Rancho LPG Enforcement Delays Underscore Deeper Problems

By Paul Rosenberg, Senior Editor

Delays in enforcement processes by the Environmental Protection Agency and the Department of Homeland Security at the Rancho LPG facility have only served to expose deeper problems, according to local activists seeking to protect public health and safety.

On Feb. 19, Lisa Pinto, district director for Rep. Henry Waxman, briefed the Council of Home Owner Associations in Rancho Palos Verdes with a progress report.

"According to DHS, the site security plan has now been approved," said Pinto in an email to community activist Janet Gunter ahead of the meeting. "The approval of the site security plan is the first step in compliance phase. The facility now enters the compliance phase, which means the facility is responsible for implementing the security measures described in the site security plan and DHS will return to conduct a compliance inspection."

The initial inspections happened at the end of 2013 and the compliance inspection will be "about a year after the security plan is approved," Pinto said.

What that means is utterly opaque in one sense and crystal clear in another, Gunter said.

What's clear is that Rancho has never previously been in compliance with DHS rules, despite its numerous representations of responsibility.

"It means that all these previous years Rancho never had a security plan specific to this facility and its content," Gunter said.

What's opaque is virtually everything about the plan itself.

"We have been so left out for so many years of this whole consideration of our own hazard," Gunter said. "When do we get to come in and sit in on this? When do we get to decide what we would have agreed to in the way of degree of hazard?"

Gunter pointed out that Rancho had been built next to existing homes.

"Obviously the whole siting process was deeply, deeply flawed," she added. "And, we've never had the opportunity to even understand what transpired."

Of course, specific security details may have to be classified, but the entire process remains so shrouded in secrecy, there's no meaningful way for informed public consent.

"Where is the assessment of the hazard that should've been in advance of the creation of the

security plan?" Gunter asks. "Who went in there and decided the degree of harm? [Who] did a comprehensive risk analysis necessary in order to create a security plan? Does it even exist? Nobody is answering that question."

Then, on Feb. 23, Gunter and other activists teleconferenced with EPA lawyer Andrew Heimlinger for the purposes of clarifying a Freedom of Information Act request for documents related to EPA's enforcement action announced almost one year ago.

"It's unclear about how a lot of this stuff is getting resolved," said Earthjustice lawyer Adrian Martinez, who is hopeful that the EPA will provide the requested documents.

Noel Weiss, a public policy advocate, who's crafted a set of Rancho-related proposals for the Rancho Palos Verdes City Council to consider, also was upbeat.

"The meeting was very helpful," Weiss said. Some of what they learned was rather troubling, however.

"EPA really doesn't have any permit requirements here," Weiss said. "It was more or less happenstance when they even visited Rancho

Deeper Problems/ to p. 17

CARSON CityLimits

Sheriff Takes FAIR Approach to Domestic Violence

By Lyn Jensen, Carson Reporter

While much media attention is being focused on the top of the Los Angeles County Sheriff's Department—a campaign to elect a new sheriff in the wake of a jailhouse scandal—the Carson sheriff's station has been quietly implementing a new community-level response to domestic violence.

It's called the Family Abuse Intervention Resource, or FAIR, program, in which three specially trained volunteers, together with case detectives, form a Domestic Violence Response Team.

Eddie Rivero has been captain of the Los Angeles Sheriff's Carson Station for two years. FAIR is one new feature added on his watch. He and two of his deputies, Lt. Jeff Adams and Sgt. Mike Austin, recently took time to explain the program to *Random Lengths*.

"This is something that's actually very different for our department," Rivero described. "We can circle back to victims of domestic violence and just offer some support after the case is adjudicated."

However, he gave credit for implementing the change to his station chief, Michael Rothman. "Every year, our chiefs have to have what they call goals," Rivero explained. "Our current chief took this program — it was in its infancy when he took over as chief — and he just expanded it."

"This program originated prior to this (at another sheriff's facility) when it wasn't a departmental-wide program," added Austin, who is tasked with overseeing FAIR. "Early in 2010 is when the department really took notice of this being a really good program and department-wide started implementing it."

He also stated it's funded by the County of Los Angeles.



Captain Eddie Rivero (right) and his deputies Lt. Jeff Adams (center) and Sgt. Mike Austin (left) of the Carson Sheriff's station.
Photo by Lyn Jensen

The men were asked to address a hypothetical example. Let's say the husband, Dan, comes home late, having some issues and beats his wife, Mary. After police are summoned and Dan is arrested, what role does FAIR play?

"Our FAIR program folks are going to call Mary and talk to her," Austin explained. "Once she expresses the need for certain types of resources, they now can present those resources."

The goal, continued Austin, is to "bridge the gap between law enforcement and victims of domestic violence, through a collaboration to ensure that victims are aware of their rights and the resources available to them."

Some domestic violence cases may be categorized as a misdemeanor, but others are handled as aggravated assault, Rivero pointed out.

Austin estimated that about half of the Carson station's caseload of crimes against persons involve domestic violence. He followed up to say the station has handled 163 such aggravated

assault cases in its jurisdiction over the two years of Rivero's leadership.

However, Rivero and his deputies caution that the FAIR program does not set reducing numbers of cases as a goal, because domestic violence happens in every community and law enforcement cannot monitor every family—only respond after the fact. Prevention must be the work of community resources and education.

"We have never had an issue where someone couldn't

FAIR Approach/ to p. 10

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Random Lengths March 21, April 3, 2014

5

from p 5

Deeper Problems at Rancho LPG

to begin with. The RMP [risk management plan] apparently is not something it [the EPA] requires to be filed with them. Only something that's required to be on site, if in fact the EPA happens to show up. So that's pretty pathetic.

"But, the bottom line is to rely on the EPA to do anything until after the fact is a little unrealistic. That's what I kind of glean from that."

In his assessment, the regulations are "intended by industry to be as ineffectual as possible, except to the extent necessary to pander and patronize the public into thinking that maybe there's protection when there is none."

"You see it with the pipelines, you see it with railroads, and it just needs to be a public discussion, on how to balance the public safety needs against the economic needs," Weiss said.

But it's nearly impossible to have such a discussion absent basic information.

"Conflicting interests, at some level, need to be reconciled," Weiss continued. "What else is new? That's what these people are elected to do."

Putting things in context, Martinez sees the Rancho controversy as typical of a conflicted national process, which is particularly concentrated here in Los Angeles.

"Increasingly people are trying to figure out how we can get off fossil fuels as we're trying to move to cleaner air technology," Martinez said, referring to Clean Air Act standards local regulators are aiming to meet. "The goal is to try to get to zero [emissions] but then you have these legacy facilities and people want to keep them running for a long time, and this one seems particularly old."

"LA is kind of the epicenter for a lot of fossil fuels," he added, pointing to natural gas and oil in particular. "There's been a debate about fossil fuels and the need to move away from them that's playing out really prominently in LA. And this is just one example of many of the tensions that the industry has when you put very heavy industrial facilities right next to homes."

Rancho's entanglement in these broader issues was further underscored by retired oil industry consultant Connie Rutter. She has repeatedly tried to make people aware of how dangerously explosive LPG gases are. That's why she initially paid attention when tar sands crude oil trains started exploding recently.

"There have been four or five, with loss of life in one of them," Rutter noted. "I was hoping to have that be clear enough in the reporting so that we could say, 'Now you see how explosive butane is' because it's relatively a small volume of butane that would be in anyone tank."

But now Rutter sees other connections with the tar sands explosion.

"It gives another market for butane, which changes the economics to make it even more sure that Rancho will stay there," she explained.

Another connection this creates is with Valero's request for a tar-sands processing permit from the AQMD, which is now on hold.

"Butane is going to be even more prevalent in our neighborhoods and so even more of a threat," she said.

Another company involved with LPG locally is Tesoro, which recently made news by refusing to allow inspections by the Chemical Safety Board following an incident at its Northern California facility. Rutter has a friend working for Tesoro.

He told her, "Even though they are a huge company, they think like a small company. In other words they think they can do stuff like turning

away an agency that comes to inspect them. How crazy is that? That doesn't sound good."

The intensification of threats and costs to surrounding communities seems to be growing by leaps and bounds. Recently, even the CEO of Exxon, Rex Tillerson, has joined a lawsuit against construction of a water tower needed for fracking near his home in Bartonville, Texas. His lawyer tried to downplay the fracking connection after national media picked up the story, but the facts are simple: without fracking, the tower would not have been needed. Tillerson is worried about his property values, according to the suit. But folks have to wonder, "What's a water tower, compared to a potentially explosive facility like Rancho?" as the contradictions and class-based double standards continue to mount.

"People shouldn't feel unsafe in their homes because of fossil fuel industry," Martinez said.

Everyone seems to agree in principle. But actions are another matter entirely. Rutter has something to say about that as well.

"The EPA in any case hardly does any enforcing," she told *Random Lengths*. "They hand it off to local agencies and don't require a report from a local agency. But the state does essentially the same thing."

There are more than half a dozen programs dealing with hazard material of one kind or another, and Rutter participated in the workshops where the regulations were developed.

"They would say, 'So, we're going to have the fire department be enforcement agencies,'" Rutter recalled. "And the fire department people would be there in those meetings and say, 'We can't do it. We don't have the manpower. We don't have the expertise. We don't have the money. We don't have the time to run those programs.' Didn't matter."

The result has been a total regulatory failure. But you can't blame the fire departments, Rutter says.

"They're not really the bad guys, fire departments," Rutter said. "They were handed in impossible jobs."

One way to get things moving politically would be to focus on insurance issues—putting a monetary cost on the dangers involved. It could also generate the funds needed to make the inspection system actually function.

"Nobody talks about the need for insurance," Weiss said. "The last time it was a significant debate on this was back in the 50s, when they wanted to build nuclear power plants."

Congress had a debate, and passed a law assuming government liability because private insurers were not willing to assume the risk. It wasn't ideal, perhaps.

"But you know what?" Weiss said. "You had a public debate on it and you had a vote."

And that's what's needed now with respect to fossil fuel facilities whose dangers have never been properly insured against. Rancho is a prime example, but hardly unique, as seen in a whole string of life-threatening incidents across the continent since the 2010 San Bruno fire.

Weiss has crafted a multi-pronged resolution for consideration by the Rancho Palos Verdes City Council, seeking to bring pressure to bear on Los Angeles, which bears primary responsibility. Among other things, the resolution calls for (1) enacting "a robust and vigorous 'Risk Management Ordinance' fashioned and modeled off of the Risk Management Ordinance enacted by Contra Costa County, which was praised by Sen. Barbara Boxer," (2) for the Los Angeles

City Controller to "subpoena the insurance policy or policies held by Rancho LPG Holdings Ltd.," in order to evaluate the costs to the city in case of an explosion at Rancho, and (3) the convening of a task force, with subpoena power, to evaluate the "full range of all public policy alternatives" to protect the public from the threats posed by Rancho.

If it seems like a round-about approach, getting Rancho Palos Verdes to get Los Angeles to act, you're not grasping the big picture at

NEWSBriefs

from p. 7

Looking forward, there was still a lot of work to do with port staff, Anderson said. He anticipates port staff may object to public involvement early in the environmental review process. He also plans to take the motion to joint committee of the Harbor Area Neighborhood Councils next month.

"If it's a slow movement forward, that's fine," Anderson said. "I just hope to see progress so we do get something in place that's more functional, that's stronger than PCAC [Port Community Advisory Committee], where we actually are in at the beginning stages and can make the difference, so that there doesn't have to be any China Shipping-type litigation for the port to do what it's supposed to do."

Command to Change for LAPD Harbor Division

Capt. Nancy Lauer recently announced her retirement.

Her last day on the job was March 20. The new Los Angeles Police Department Harbor Division commander is Gerald Woodyard, Captain III.

The new patrol commander, Jennifer Thomas, Captain I, and Woodyard will likely be introduced at the police commission meeting April 1, at Peck Park in San Pedro.


The new captain's adjutant is Sgt. Brad Hearn.

Venue: Peck Park
Location: 560 N. Western Ave., San Pedro

Weiss sees it

"I'm telling them to basically spark a national debate," he said.

It's an argument that makes more and more sense over time. With every new incident across the country, the need for that debate becomes increasingly clear. So why shouldn't we be the ones to start it? It's certainly better than just waiting to be the next victims.



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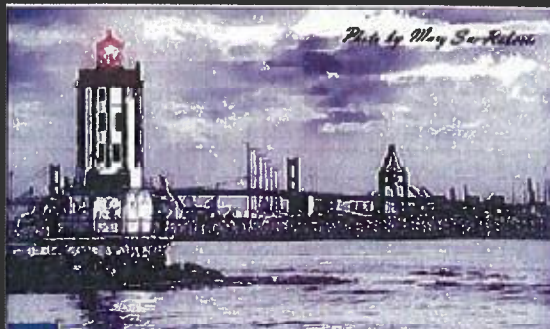


Photo by May So-Roloff

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San Pedro Press

March 21, April 3, 2014



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

JUL 25 2014

CERTIFIED MAIL NO.: 7012 1640 0001 2190 5072
RETURN RECEIPT REQUESTED

In Reply Refer to:
Rancho San Pedro Terminal, San Pedro, CA

Mr. Ron Conrow
Western District Manager
Rancho LPG Holdings LLC
333 Clay Street, Suite 1600
Houston, Texas 77002

RE: Issuance of Consent Agreement and Final Order
Rancho LPG Holdings LLC, San Pedro, California
EPA Docket No. CAA-9-2014-0001

Dear Mr. Conrow:

Enclosed please find the Consent Agreement and Final Order ("CA/FO") that has been issued with respect to the above-referenced matter. Region IX's Regional Judicial Officer has signed the Final Order. As stated in the agreement, your payment of \$260,000 is due within thirty days of the Effective Date.

By letter dated March 14, 2013, the U.S. Environmental Protection Agency ("EPA") advised Rancho LPG Holdings, LLC ("Rancho") of six potential violations of Section 112(r)(7) of the Clean Air Act at Rancho's San Pedro Terminal facility at 2110 North Gaffey Street, in San Pedro, California (the "Facility"). The purpose of that letter was to provide Rancho with notice regarding EPA's information regarding six potential violations and to invite Rancho to provide additional information to further inform EPA's consideration of the potential violations. Rancho provided additional information to EPA both by in writing and in subsequent meetings with EPA over the last year. EPA and Rancho are resolving four of the potential violations in the CA/FO.

Based on the information currently available to EPA, by this letter EPA confirms that at this time it will not further pursue the other two of the six potential violations. Specifically, EPA acknowledges that the rail storage area within the Facility is a single "process" for the purpose of the Chemical Accident Prevention Provisions at 40 C.F.R. Part 68, and that consequence planning radius associated with the rail storage area is assessed within the radius associated with

other areas of the Facility. Accordingly, EPA does not anticipate alleging any violation based on 40 C.F.R. § 68.12(a) and (b). Additionally, EPA acknowledges that the Facility's emergency response plan identified the facility as a non-responding facility and that appropriate mechanisms are in place to notify emergency responders when there is a need for a response. Accordingly, EPA does not anticipate alleging any violation based on 40 C.F.R. § 68.90 or 68.95.

Although EPA does not anticipate alleging any violation based on 40 C.F.R. § 68.90 or 68.95, EPA strongly encourages Rancho LPG Holdings to maintain a dynamic emergency preparedness and response coordination and communication program with the City and County of Los Angeles, as well as the surrounding community. The President's Executive Order on Chemical Safety and Security, issued in August 2013, emphasizes the critical importance of providing local responders with information, training and response collaboration in order to ensure that communities and responders are best protected from accidental releases of hazardous substances. Given the large quantities of flammables stored at Rancho and the proximity of nearby residences, businesses and schools, it is imperative that Rancho's response coordination efforts are robust.

If there remain questions regarding the CA/FO or the issues alleged in EPA's March 14, 2013 letter, please contact Mary Wesling of my staff at (415) 972-3080 or Wesling.Mary@epa.gov. Please direct any questions or inquiries from legal counsel to Andrew Helmlinger, EPA Counsel, at (415) 972-3904 or Helmlinger.Andrew@epa.gov.

Sincerely,



Enrique Manzanilla, Director
Superfund Division
U.S. Environmental Protection Agency, Region IX

cc:

Tony Puckett, Plains LPG Services, LLC, Houston, TX
M. Wesling, U.S. EPA Region IX
A. Helmlinger, U.S. EPA Region IX